

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**Honorable Patty Shwartz
United States Magistrate Judge**

**U.S. Post Office & Courthouse Bldg.
Federal Square, Newark, NJ 07101
(973) 645-6596**

July 11, 2012

Lavance Taylor
#26766-050
FCI Fairton
P.O. Box 420
Fairton, New Jersey 08320

LETTER ORDER

RE: United States v. Lavance Taylor
Crim. No. 07-57

Dear Mr. Taylor:

The Undersigned is in receipt of your letter dated July 5, 2012, regarding your request that the Undersigned provide "a letter of recommendation" concerning credit that the Bureau of Prisons should provide toward your sentence to reflect the period you were on pretrial release. Calculations of credit to be applied toward a sentence are within the authority of the Bureau of Prisons in the first instance. Spriggins v. U.S., Civ. No. 09-3286, 2010 WL 1186269, at *2 (D.N.J. Mar. 24, 2010) (citing United States v. Wilson, 503 U.S. 329, 334 (1992)). Thus, "district courts do not have jurisdiction to hear an application for credit for time served until a defendant has exhausted his administrative remedies by seeking credit from the Bureau of Prisons and Attorney General." Id. (citing United States v. Brann, 990 F.2d 98, 103-04 (3d Cir. 1993)). Moreover, any requests that could impact your sentence should be directed to the United States District Judge who imposed your sentence. The Judge involved in your original sentence is no longer on the bench but it appears another issue concerning your sentence was addressed in March 2012 by the Hon. Anne E. Thompson. Therefore, if you have exhausted your remedies and seek to pursue your request, you should direct your request to Judge Thompson. Nothing herein constitutes a finding that the Court has the authority or is required to take the action you request. See O'Shea v. U.S., Civ. No. 04-5016, 2005 WL 3440628, at *3 (D.N.J. Dec. 13, 2005) (collecting cases stating that time on home confinement, including with electronic monitoring, is not creditable toward sentence).

SO ORDERED.

s/Patty Shwartz

United States Magistrate Judge

cc: Alison Brill, Esq.
Andrew Carey, AUSA